

Corps of Engineers, Dept. of the Army, DoD

§211.107

Assistant Chief of Engineers for Civil Works.

[23 FR 7348, Sept. 28, 1958, as amended at 37 FR 15371, Aug. 1, 1972]

§211.103 Determination of whether land is required for public purposes, including public recreational use.

The Chief of Engineers and the Director of Public Works are hereby delegated authority to determine which lands are not required for public purposes, including public recreational use, and to determine the exceptions, restrictions and reservations, as are in the public interest, to be included in any reconveyance, including the reservation of such mineral rights as are determined necessary for the efficient operation of the project. This delegation of authority shall not apply to lands below the level of 529 feet in the Garza-Little Elm Reservoir project and below 560 feet in the Grapevine Reservoir project as the lands below these levels will not be available for reconveyance pursuant to the act.

[23 FR 7348, Sept. 28, 1958, as amended at 37 FR 15371, Aug. 1, 1972]

§211.104 Notice to former owners of availability of land for reconveyance.

Upon determination in accordance with §§211.101 to 211.111 that land is not required for public purposes, including public recreational use, the appropriate District Engineer shall give notice to the former owners thereof (a) by registered letter, addressed to the last known address of the former owner; and (b) by publication at least twice at not less than 15-day intervals in two newspapers having general circulation in the vicinity in which the land is located.

[37 FR 15371, Aug. 1, 1972]

§211.105 Filing of application.

Application for reconveyance of land shall be filed with the appropriate District Engineer. Said application shall be in writing, dated and signed by the former owner, or by his attorney in fact, and shall identify the land for which he is making application for reconveyance. Any such application will

be considered as filed timely when mailed to or delivered to the appropriate District Engineer within ninety (90) days from the date of the last publication of availability of the land for reconveyance to said former owners. The appropriate District Engineer may extend said ninety (90) day period for a good cause. Any application may be withdrawn by written notice, executed by the former owner, or by his attorney in fact, to the appropriate District Engineer at any time prior to the execution of the contract of sale.

[37 FR 15371, Aug. 1, 1972]

§211.106 Filing of objection by abutting owner.

An objection by an abutting owner to reconveyance of land to a former owner shall be filed with the appropriate District Engineer. Such objection shall be in writing, dated and signed by the abutting owner, or his attorney in fact, and shall include identification of the land to which the objection pertains, the name of the former owner, the reasons for the objection, and a reference to the land records where the ownership of the abutting owner is recorded. A copy of the letter addressed to the former owner objecting to the reconveyance shall be attached to the letter addressed to the appropriate District Engineer, or other evidence of such notice of objection shall be furnished to the appropriate District Engineer. No objection will be considered valid unless the party or individual making the objection is the record owner of land abutting or adjoining the land to which the objection pertains.

[37 FR 15371, Aug. 1, 1972]

§211.107 Notice of agreement between former owner and abutting owner.

After an objection has been made by an abutting owner to a reconveyance, and agreement reached concerning the reconveyance shall be furnished in writing, signed by both the abutting owner and the former owner, or their attorneys in fact, to the appropriate District Engineer. Such agreement must be mailed or delivered to the appropriate District Engineer within ninety (90) days after the date of receipt of the notice of objection by the

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appropriate District Engineer and the former owner. In the event an agreement in writing as prescribed herein is not mailed or delivered to the appropriate District Engineer, the appropriate District Engineer is hereby authorized to report the land involved to the General Services Administration for disposal as prescribed by the Act.

[37 FR 15371, Aug. 1, 1972]

§211.108 Determination of price.

Upon receipt of an application from a former owner, the Chief of Engineers and/or the appropriate District Engineer is hereby delegated authority to determine the price at which the land will be sold pursuant to the provisions of section 205(d) of the Act of Congress approved July 3, 1958 (72 Stat. 316) or pursuant to the provisions of section 11 of the Act of Congress approved December 23, 1971 (85 Stat. 800) and the cost of any surveys or boundary markings necessary as an incident to the conveyance.

[37 FR 15371, Aug. 1, 1972]

§211.109 Contract of sale.

Upon determination of the price at which the land will be reconveyed, and after the reaching of an agreement by the former owner and the abutting owner if an objection to the reconveyance was made by the abutting owner, the appropriate District Engineer will prepare a contract of sale containing the terms and conditions of the reconveyance and deliver it to the applicant for acceptance. The contract of sale shall provide for the deposit of earnest money equal to twenty (20) percent of the price at which the land will be sold or the estimated cost of any surveys or boundary markings necessary as an incident to the reconveyance, whichever is greater. The deposit will be applied to the price at the time of settlement. In the event of default, the deposit will be retained by the Government as liquidated damages. Failure of the applicant to execute the contract of sale or to deposit the earnest money with the appropriate District Engineer within thirty (30) days after receipt of the contract, unless a written extension of said thirty (30) days is granted by the appropriate District En-

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gineer, in accordance with section 205(e) of the Act of Congress approved July 3, 1958 (72 Stat. 316) or in accordance with section 11 of the Act of Congress approved December 23, 1971 (85 Stat. 800) and the delegation contained in §211.111, that within a reasonable time after receipt of a proper application for any reconveyance of such land, the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land. Authority is hereby delegated to the Chief of Engineers and/or the appropriate District Engineer to execute the contract of sale for and on behalf of the United States of America.

[37 FR 15371, Aug. 1, 1972]

§211.110 Conveyance.

Reconveyance of the land will be by quitclaim deed executed by the Secretary of the Army.

[23 FR 7348, Sept. 28, 1958]

§211.111 Certification terminating rights of former owners.

If no application for reconveyance is made by a former owner within ninety (90) days, or authorized extension thereof, from the date of the last publication of the notice in a newspaper or, if within a reasonable time after receipt of a proper application for any reconveyances, the appropriate District Engineer and the former owner are unable to reach a satisfactory agreement with respect to the reconveyance, the Chief of Engineers and/or the appropriate District Engineer is hereby delegated authority to certify (a) that notice has been given to the former owner of such land pursuant to the Act and §§211.101 to 211.111, and that no qualified applicant has made timely application for reconveyance of such land; or (b) that within a reasonable time after receipt of a proper application for reconveyance the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land. After such certification has been executed, disposition of the land shall be made pursuant to the Federal Property Administrative Services Act of 1949, as amended, subject to such reservations, restrictions, exceptions,